

the telephone interview of March 13, 2003 summarized below, the issues presented therein should be addressed. Claims 1-24 are presently pending.

Interview Summary March 13, 2003

The Examiner and his SPE are thanked for the courtesy of a telephone interview on March 13, 2003. On March 6, 2003, an Examiner's Interview commenced, but was re-scheduled for March 13, 2003. At that time, claim 1 and Ryan were discussed with the SPE's agreement to have Ryan thoroughly analyzed based on the arguments set forth during the interview which are also embodied in further detail in Applicant's Amendment filed September 27, 2002.

Quite simply, Ryan, the sole reference relied upon in the Official Action, describes a financial product that uses life insurance as collateral and as a mechanism for repayment of a mortgage. The present invention discloses something very different, an evaluation tool for optimizing a borrower's use of mortgage insurance based upon projections of future home equity by "calculating the maximum dollar amount of a house purchase price that the borrower can afford based upon an optimal loan-to-value ratio, achievable using mortgage insurance, that maximizes future home equity" as recited in claim 1. As further recited in claim 1, "a borrower's financial situation, closing costs, loan terms, and a house value appreciation assumption" are utilized by the central processing unit as inputted information when calculating the maximum dollar amount of house which maximizes future home equity. Ryan provides no basis for rejecting the present claims.

Interview Summary February 24, 2003

During this phone interview, the inappropriateness of paragraph 6 of the Official Action was discussed and the removal of paragraph 6 from the record was requested. Paragraph 6 suggests that when an Applicant fails to challenge any statement of an Official Action which is based on "inherency, implicitness, obviousness, and Official Notice" that somehow there is an implicit agreement with such statements or that the applicant waives the ability to later respond to such items. Two grounds were presented as the basis for removing the paragraph.

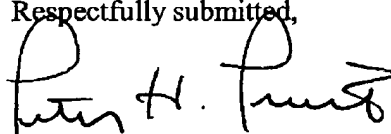
First, this paragraph sets forth an incorrect statement of law because it attempts to inappropriately broaden the scope of MPEP §2144.03. MPEP §2144.03 applies only to statements based on "well known" prior art or common knowledge in the art. Different burdens other than MPEP §2144.03 apply to the Examiner when making statements based on inherency, implicitness, and obviousness. The examiner is referred to MPEP §2112, §2144.01, and §2142, respectively, for the burdens and standards governing those concepts.

Second, the paragraph is inapplicable in the present case because there were no Examiner statements based on inherency, implicitness, or Official Notice in the Official Action. With regard to the obviousness rejections, all obviousness rejections were traversed in the previous response leaving no statements unchallenged. The examiner agreed to reconsider these arguments in determining whether to remove paragraph 6 from the record. Please remove paragraph 6 from the record.

Conclusion

All of the presently pending claims appearing to define over the applied references,  
withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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